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8   **UNITED STATES DISTRICT COURT**

9   **NORTHERN DISTRICT OF CALIFORNIA**

10   **SAN JOSE DIVISION**

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12   Robert Lee SMITH Jr.,   Case Number 5-11-cv-3062-EJD

13   Petitioner,   <u>DEATH-PENALTY CASE</u>
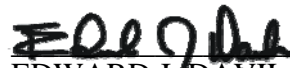
14   v.   ORDER SHORTENING TIME FOR
                                                     BRIEFING SECOND MOTION FOR
15   Kevin CHAPPELL,   EQUITABLE TOLLING
      Acting Warden of San Quentin State Prison,
16
                          Respondent.
17

18   Petitioner's capital habeas petition is due on September 28, 2012. Petitioner has filed a

19   Second Motion for Equitable Tolling, in which he seeks an extension to November 28, 2012.

20   (Doc. No. 23.) The parties agree that the Motion may be heard on an expedited basis. (*Id.* at 9;

21   Doc. No. 23-1.) Accordingly, the request to shorten time is granted. Respondent shall respond

22   to the Motion by 12:00 noon on Monday, September 24, and Petitioner may reply to the response

23   by 9:00 a.m. on Tuesday, September 25, 2012. The Court will take the matter under submission

24   without oral argument.

25   *It is so ordered.*

26

27   DATED: September 21, 2012   _____
                                                     EDWARD J. DAVILA
28   United States District Judge

Case No. 5-11-cv-3062-EJD
ORDER SHORTENING TIME FOR BRIEFING SECOND MOTION FOR EQUITABLE TOLLING
(DPSAGOK)

1

2   UNITED STATES DISTRICT COURT

3   FOR THE

4   NORTHERN DISTRICT OF CALIFORNIA

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7   ROBERT LEE SMITH, JR.,   Case Number: CV11-03062 EJD

            Plaintiff,
8   **CERTIFICATE OF SERVICE**

9   v.

10   MICHAEL MARTEL et al,

            Defendant.
11   _____/

12

13   I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
     Court, Northern District of California.

14   That on September 21, 2012, I SERVED a true and correct copy(ies) of the attached, by placing
     said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15   depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
     delivery receptacle located in the Clerk's office.

16
     California Appellate Project
17   Federal Court Docketing
     101 Second Street Suite 600
18   San Francisco, CA 94105

19   Michael David Laurence
     Habeas Corpus Resource Center
20   303 Second Street Suite 400
     San Francisco, CA 94107

21
     Robert Lee Smith H-95100
22   San Quentin State Prison
     San Quentin, CA 94974

23
     Dated: September 21, 2012
24   Richard W. Wieking, Clerk
                                               /s/ By: Elizabeth Garcia, Deputy Clerk
25

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                                               2
28   Case No. 5-11-cv-3062-EJD
     ORDER SHORTENING TIME FOR BRIEFING SECOND MOTION FOR EQUITABLE TOLLING
     (DPSAGOK)